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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/893,014	06/27/2001	Hylar L. Friedman	PC10841AMAG	6389		
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Gregg C. Benson			EXAM	EXAMINER		
Pfizer Inc., Patent Department Eastern Point Road, MS 4159			JIANG, SH	JIANG, SHAOJIA A		
Groton, CT 06	340		ART UNIT	PAPER NUMBER		
			1617	6		
			DATE MAILED: 04/23/2002			

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Description Descr								
## Examiner Shaojia A. Jiang 1617 - The MAILING DATE of this communication appears on the c ver sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION, - See SIX 01 ACCTIVITY Communication of STOCK 1. 128(a), in no event, horever, may a reply be limitly filled and the correspondence address − Period for reply appelled above, be maintained the production of STOCK 1. 128(a), in no event, horever, may a reply be limitly filled and the production of STOCK 1. 128(a), in no event, horever, may a reply be limitly filled and the state of the s	,		Application No.	Applicant(s)				
Shaojia A. Jiang			09/893,014	FRIEDMAN ET AL.				
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THE MAILING DATE OF THIS COMMUNICATION. Estateables of term raps be willded under the provision of 37 CPR 1.15(6). In no event, however, may a riply be timely fitted after SIX (8) MONTRS from the mailing date of this communication. It No period for reply is specified town the mailing date of this communication. Failure to reply within the set of extended period for reply will. by absolute you will be considered fittely. If NO period for reply is specified above, the maximum statery priorise date projects with the mailing date of this communication. Failure to reply within the set of extended period for reply will. by absolute on the priority deposition to become ABANDONED (38 U.S.C. § 133). Any reply received by the Office alter buth rether mothins after the mailing date of this communication, even if tendly filed, may reduce any secured patient term adjustment. See 37 CPR 1.04(b). Status 1) Responsive to communication(s) filed on			ears on the c ver sheet w	ith the correspondence add	ress			
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DETAILED ACTION

This application claims priority to provisional application of Serial No. 60/214,979.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-20 drawn to a method for stimulating or increasing appetite in a
 patient employing a compound of structural formula I, classified in class
 514, subclass +1.
- II. Claims 21-41 drawn to a method for treating an eating disorder in a patient employing a compound of structural formula I, classified in class 514, subclass +1.

Group I and II are unrelated to each other. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the inventions are separate and distinct each from the other because they have different functions. The invention of Group I functions to stimulate or increase appetite in a patient. The invention of Group II functions to treat an eating disorder in a patient. Therefore, Group I and II have different functions.

The search for all inventions would place an undue burden on the examiner in view of the diversity of the structural formula to be employed and the corresponding diversity in the field of search for each.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Election of Species

This application contains claims directed to the following patentably distinct species of the claimed invention for each group (see above restriction): structural formula I.

Applicant is required under 35 U.S.C. 121 to elect a single specific composition comprising a specified individual active compounds to be employed in the method of the treatment for the elected group (see above restriction) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claims 1-41 are generic to a plurality of disclosed patentably distinct species. The claims read on the employment of various compounds of different structures in the formula I, with great diversity of chemical structure classified across class 514, the search for all of which presents an undue burden on the Office. It is noted that a reference to one individual agent would not be a reference to another individual agent under 35 U.S.C.103.

A "specie" is a specific compound, with all parameters and/or substituent variables FULLY accounted for.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims

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readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Because the above restriction/election requirement is complex, a telephone call to applicant's agent to request an oral election was not made. See M.P.E.P Sec. 812.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Jiang, whose telephone number is (703) 305-1008. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minna Moezie, J.D., can be reached on (703) 308-4612. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1235.

Shaojia A. Jiang, Ph.D. Patent Examiner, AU 1617 April 16, 2002

